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January 16, 2024

**VIA ECF**

Honorable Arun Subramanian  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 15A  
New York, New York 10007

Re: Equinox F&B, Inc. v. Roots Pressed Juices, LLC  
Case No. 22-cv-00681 (AS)

Dear Judge Subramanian:

We are writing on behalf of plaintiff Equinox F&B, Inc. ("Equinox F&B"), in accordance with paragraph 3.E of Your Honor's Individual Practices, to respectfully request an adjournment of the bench trial in this matter and all pretrial deadlines set forth in the Court's Scheduling Order, dated October 3, 2023, as a key material witness for Equinox F&B is on a temporary leave. Defendant Roots Pressed Juices, LLC ("Roots") has consented to this request.

Specifically, Tara Somers—who indisputably was a key and material decision maker on behalf of Equinox F&B with respect to numerous facts and circumstances of this action—is on maternity leave through May 3, 2024, and, as a result, is unavailable to participate or assist in Equinox F&B's preparation for the bench trial scheduled to commence on April 1, 2024. As a further scheduling matter, we have also been informed by Roots that its owner Brent Rodgers is undergoing neck surgery in the first week of July and will be unavailable for trial during July and August.

As such, it is respectfully requested that the Court adjourn the bench trial to a date convenient to the Court on or after September 4, 2024, and that all pretrial filings be adjourned in accordance with the new trial date. A proposed scheduling order setting forth the existing and proposed new deadlines is enclosed with this application. This is the first application for an adjournment of the trial or the pretrial deadlines.

For the foregoing reasons, Equinox F&B respectfully requests that the Court grant this application in its entirety. We thank the Court for its consideration herein.

Respectfully submitted,

/s/ *John L. Garcia*

John L. Garcia (JG-1020)  
Patrick McPartland (PM-4225)

Enclosure:

cc: All counsel of record (by ECF)

Plaintiff's request is DENIED. Plaintiff was aware of Ms. Somers's maternity leave in October when the parties jointly proposed the current trial date. *See* Dkt. 62 at 1 n.1. Plaintiff nonetheless proposed this trial date. In the parties' letter, plaintiff solely indicated that Ms. Somers's leave may require an accommodation such as testifying by remote means. Ms. Somers will be permitted to testify remotely, as plaintiff requested.

In addition, the final pretrial conference is hereby rescheduled from March 11, 2024 to **March 18, 2024 at 1PM.**

The Clerk of Court is directed to terminate the motion at ECF No. 64.

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: January 18, 2024